

SENATE BILL 3740
By Black

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 38 and Title 40, to enact the "Missing and Unidentified Persons Act of 2006".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, is amended by adding Sections 2 through 7 of this act as new chapter.

SECTION 2. This act shall be known and may be cited as the "Missing and Unidentified Persons Act of 2006".

SECTION 3. All law enforcement agencies within the state shall accept without delay any report of a missing person. Acceptance of a missing person report shall not be refused on any ground or for any reason. No law enforcement agency shall refuse to accept a missing person report on the basis that:

- (1) The missing person is an adult;
- (2) The circumstances do not indicate foul play;
- (3) The person has been missing for a short period of time;
- (4) The person has been missing for a long period of time;
- (5) There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- (6) The circumstances suggest that the disappearance may be voluntary;
- (7) The person reporting does not have personal knowledge of the facts;
- (8) The reporting individual cannot provide all of the information requested by the law enforcement agency; or

(9) The reporting person lacks a familial or other relationship with the missing person.

SECTION 4. All law enforcement agencies shall accept missing person reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.

SECTION 5. In accepting a report of a missing person, the law enforcement agency shall attempt to gather relevant information relating to the disappearance that shall include, but not be limited to, the following:

- (1) The name of the missing person, including all alternative names used;
- (2) The date of birth;
- (3) Identifying marks such as birthmarks, moles, tattoos, and scars;
- (4) Height and weight;
- (5) Gender;
- (6) Race;
- (7) Current hair color and natural hair color;
- (8) Eye color;
- (9) Prosthetics, surgical implants, or cosmetic implants;
- (10) Physical anomalies;
- (11) Blood type;
- (12) Driver's license number and issuing state;
- (13) Social security number;
- (14) A recent photograph of the missing person;
- (15) A description of the clothing the missing person was believed to be wearing;
- (16) A description of items that the missing person might be wearing or carrying;

(17) Information about the person's electronic communications devices and cell phone numbers and email addresses;

(18) The reasons why the reporting person believes the person is missing;

(19) Name and location of the missing person's school or employer;

(20) Name and location of the missing person's dentist and primary care physician;

(21) Any circumstances that may indicate that the disappearance was not voluntary;

(22) Any circumstances that indicate that the missing person may be at risk of injury or death;

(23) A description of the possible means of transportation of the missing person, including the make, model, color, license number and vehicle identification number ("VIN");

(24) Any identifying information about a known or possible abductor or any person last seen with the missing person including:

(A) Name;

(B) A physical description;

(C) Date of birth;

(D) Identifying marks;

(E) The description of possible means of transportation including the make, model, color, license number and VIN; and

(F) Known associates;

(25) Any other information that can aid in locating the missing person; and

(26) Date of last contact.

SECTION 6.

(a) The law enforcement agency shall notify the person making the report, a family member or other person in a position to assist the law enforcement agency in its efforts to locate the missing person:

(1) Of general information about the handling of the missing person case or about intended efforts in the case, to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person, or to apprehend or prosecute any person criminally involved in the disappearance; and

(2) That the person making the report or other necessary person should promptly contact the law enforcement agency if the missing person remains missing to provide additional information and materials that will aid in locating the missing person. The law enforcement agency should also notify the person of the specific information or materials needed, such as records of cell phone use and debit cards, credit cards and financial accounts to which the missing person has access.

(b) If the person identified in the missing person report remains missing after thirty (30) days and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(1) An authorization to release dental or skeletal x-rays of the missing person;

(2) Any additional photographs of the missing person that may aid the investigation or an identification. The law enforcement agency shall not be required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;

(3) Dental information and x-rays; and

(4) Fingerprints.

(c) Information relevant to the federal bureau of investigation's violent criminal apprehension program shall be entered as soon as possible.

(d) The law enforcement agency is encouraged to make available informational materials that advise the public about how the information or materials identified in this section are used to help locate or identify missing persons.

(e) This section shall not be interpreted to preclude a law enforcement agency from attempting to obtain materials identified in this section before the expiration of the thirty-day period.

SECTION 7.

(a) A high-risk missing person is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death.

(1) For purposes of this part, a "high-risk missing person" means a person who is missing:

- (A) As a result of a stranger abduction;
- (B) Under suspicious circumstances;
- (C) Under unknown circumstances;
- (D) Under known, dangerous circumstances; or
- (E) For more than thirty (30) days.

(2) For purposes of this act, a "high-risk missing person" means a person who is missing and:

- (A) Has already been designated as a "high-risk missing person" by another law enforcement agency;
- (B) Is in need of medical attention or prescription medication;

- (C) Does not have a pattern of running away or disappearing;
- (D) May have been abducted by a non-custodial parent;
- (E) Is mentally or physically impaired;
- (F) Is under twenty-one (21) years of age;
- (G) Has been the subject of past threats or acts of violence; or
- (H) Any other factor indicates the person to be at risk.

(b)

(1) Upon initial receipt of a missing person report, the law enforcement agency shall immediately determine whether there is a basis to determine that the person missing is a high-risk missing person.

(2) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, the agency shall immediately determine whether the new information provided to the law enforcement agency indicates that the person missing is a high-risk missing person.

(3) Risk assessments identified in this subsection shall be performed no later than twenty-four (24) hours after the initial missing person report or the new information was provided to the law enforcement agency.

(4) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purpose of this act.

SECTION 8. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following language as a new, appropriately designated subsection:

() The following identifying information contained in law enforcement agency records obtained pursuant to the "Missing and Unidentified Persons Act of 2006" shall be redacted:

- (1) Date of birth;
- (2) Driver's license number;
- (3) Social security number;
- (4) Residence address;
- (5) Name and address of school; and
- (6) Name and address of employer.

SECTION 9. This act shall take effect on July 1, 2006, the public welfare requiring it.